

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Dartmouth-Hitchcock Clinic, et al.,
Plaintiffs

v.

Case No. 11-cv-358-SM

Nicholas Toumpas, Commissioner,
N.H. Dept. of Health and Human Services,
Defendant

NOTICE OF RULING

Re: **Document No. 93**, Expedited Motion for Extension of the
Deadline to Publish Notice Required by the March 2,
2012, Preliminary Injunction

Ruling: Defendant moves for a short extension of time in which to comply with the notice aspect of the preliminary injunction entered in this case, on grounds that drafting the notice will require the attention of and a great deal of work by skilled administrators (who are currently fully occupied by critical work subject to a statutory deadline). As plaintiffs point out, however, drafting a public notice of the reductions in rates paid for outpatient and inpatient Medicaid services, the methodologies and standards used to set those reduced rates, and justifications for them, ought not to require a great deal of time or effort. The reduced rates were calculated several years ago, and have been in effect for quite some time now. Surely, the Commissioner knows how they were calculated and why they are justified. On the other hand, the requested delay is short, the assertion that State administrators are stretched thin is credible, and no prejudice will follow from granting a brief extension. The motion is granted.

Entered by: Steven J. McAuliffe, Chief Judge

Date: March 8, 2012

cc: Martha Van Oot, Esq.
William L. Chapman, Esq.
Anthony J. Galdieri, Esq.
Emily Pudan Feyrer, Esq.
Gordon J. MacDonald, Esq.
W. Scott O'Connell, Esq.
John E. Friberg, Jr., Esq.
Erica Bodwell, Esq.
Mitchell B. Jean, Esq.
Nancy J. Smith, Esq.
Jeanne P. Herrick, Esq.
Laura E. B. Lombardi, Esq.
Constance D. Sprauer, Esq.